

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARKEMA, INC., a Pennsylvania corporation
and GENERAL METALS OF TACOMA,
INC., a Washington corporation,

Plaintiffs,

v.

ASARCO, INC., a New Jersey corporation;
ECHO LUMBER CO., an Oregon
corporation; GOODWIN JOHNSON (1960)
LTD., a Canadian corporation; JOHNSON-
BYERS, INC., a Washington corporation;
DONALD E. OLINE, a Washington resident;
PETROLEUM RECLAIMING SERVICE,
INC., a Washington corporation; and
WEYERHAEUSER COMPANY, a
Washington corporation,

Defendants.

Case No. C05-5087RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant Oline's Motion to Exclude New Opinions in Supplemental Expert Report of Paul F. Fuglevand [Dkt. #186].

Having considered the entirety of the records and file herein, the Court rules as follows:

Defendant Oline seeks to exclude the opinions expressed by one of plaintiffs' experts in a supplemental report. Given that the trial is over three months away, given the history of the timing of expert disclosures previously in this matter, and given that plaintiffs have offered to allow a further deposition of

1 their expert, the Court will deny the motion and allow Defendant Oline to further depose Mr. Fuglevand at a
2 mutually agreeable time before February 16, 2007. It is therefore,

3 **ORDERED** that Defendant Oline's Motion to Exclude [Dkt. #186] is **DENIED**. Oline may further
4 depose Mr. Fuglevand on or before February 16, 2007.

5 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
6 pro se.

7 Dated this 22nd day of January, 2007.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE
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